

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

CITY OF ALMATY, KAZAKHSTAN, and
BTA BANK, JSC.,

Crossclaim Plaintiffs,

- against -

MUKHTAR ABLYAZOV, VIKTOR
KHPRAUNOV, ILYAS KHRAPUNOV, and
TRIADOU SPV, S.A.,

Crossclaim Defendants.

15-cv-05345

**DECLARATION OF HERMAN CAHN,
MONITOR**

HERMAN CAHN, declares as follows:

1. I am an attorney admitted to practice before this Court and am the Monitor in this case. I make this declaration, based on personal knowledge and my review of documents filed or produced in this lawsuit, in support of the Monitor's motion to transfer monitorship funds and for leave to withdraw monitorship funds.

2. Attached hereto are true and correct copies of the following document(s):

Exhibit A: Monitorship Order dated May 4, 2016; *Triadou SPV S.A. v. CF 135 Flat LLC*, Index No. 653462/2014, (N.Y. Sup. Ct. N.Y. County) (the "State Court Action"); NYSCEF Doc. No. 163

Exhibit B: Letter dated May 2, 2018, from the Monitor to State Court Action Counsel; NYSCEF Doc No. 223, State Court Action

Exhibit C: Monitor's Decision dated June 26, 2018, in the State Court Action

Exhibit D: Memorandum and Order dated June 24, 2016; *City of Almaty et al. v. Mukhtar Ablyazov, et al.*, Case No. 15-cv-05345 (SDNY) (the "Federal Court Action"); Dkt. No. 175

Exhibit E: Memorandum and Order of Attachment dated July 18, 2016; Dkt. No. 192, Federal Court Action

Exhibit F: Letter to the U.S. Marshal dated September 19, 2016, from the Monitor to Hon. Michael Greco, United States Marshal, in the Federal Court Action

Exhibit G: Stipulation Governing Monitorship Account dated November 28, 2016; NYSCEF Doc No. 234, State Court Action

Exhibit H: Transcript of October 29, 2018 Hearing Before the Monitor, in the State Court Action

Exhibit I: Letter dated November 20, 2018, from the Monitor to Judge Nathan and Justice Cohen; NYSCEF Doc No. 231, State Court Action; Dkt. No. 889, Federal Court Action (exhibits omitted)

Exhibit J: "So Ordered" Letter dated November 27, 2018, from the Monitor to Judge Nathan and Justice Cohen and "so ordered" by Judge Nathan; Dkt. 895, Federal Court Action

Exhibit K: Transcript of December 3, 2018 Hearing Before the Monitor, in the State Court Action

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
March 20, 2019



Herman Cahn
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